

National Renewable Energy Laboratory
Request for Proposals Number REE-8-77581-01

“Updating Studying Wind Energy/Bird Interactions: A Guidance Document”

REQUEST FOR PROPOSALS

READ THIS DOCUMENT CAREFULLY

This solicitation is being conducted under the procedures for competitive subcontracts established by the National Renewable Energy Laboratory (NREL).

NREL will award a subcontract based on the following.

- All Statement of Work (SOW) requirements being met
- The best combination of:
 - Technical factors (based on qualitative merit criteria)
 - and
 - Evaluated price (or cost)

Issue Date: 01/23/08

Due Date: 02/13/08

Time Due: 5:00 PM Mountain Time

Technical questions must be received in writing no later than 01/30/08

1. **Solicitation Type** Best Value Selection
Fixed Price

Submit offers to and request information from the NREL RFP Contact below

2. **NREL RFP Contact** Kim Tangler, Subcontract Administrator
MS - 3811
National Renewable Energy Laboratory
1617 Cole Boulevard
Golden, CO 80401-3393
Phone: (303) 384-7018
Fax: (303) 384-6950
Email: kim_tangler@nrel.gov

Electronic (PDF) copies of forms and appendices can be found at:
http://www.nrel.gov/business_opportunities/related_docs.html

3. Project description

As specified in the Statement of Work (Attachment 1).

4. Proposed subcontract award and period of performance

It is the intent of NREL to award one (1) firm fixed price subcontract under this solicitation. The anticipated period of performance is twelve (12) months with funding availability of approximately \$60,000.00.

5. Competitive negotiated subcontract using Best Value Selection

This solicitation shall be conducted using Best Value Selection that results in an award that is most advantageous to NREL based on the best value combination of (a) evaluated qualitative merit and (b) evaluated price (cost) of the offers submitted.

Best Value Selection is based on the premise that, if all offers are of approximately equal qualitative merit, award will be made to the offeror with the lowest evaluated price (cost). However, NREL will consider awarding to an offeror with a higher evaluated price (cost) if the offer demonstrates the difference in price (cost) is commensurate with the higher qualitative merit. Conversely, NREL will consider awarding to an offeror with a lower evaluated qualitative merit if the price (cost) differential between it and other offers warrant doing so.

6. Qualitative merit criteria for Best Value Selection

The Statement of Work (Attachment 1) in this Request for Proposals serves as NREL's baseline requirements that must be met by each offer.

The qualitative merit criteria establish what NREL considers the technical factors valuable in an offer. These qualitative merit criteria are performance-based and permit selection of a higher priced offer that provides higher qualitative merit.

The following qualitative merit criteria will be used to determine the technical value of the offer in meeting the objectives of the solicitation.

Each qualitative merit criteria and its assigned weight are provided below.

- 6.1 40% - Strong credibility of team, comprised of multiple technical experts with credibility amount a diverse group of key stakeholders, based on experience and capabilities;
- 6.2 35% - Quality of the proposed approach including thoroughness, creativity, clarity, and project implementation and management plans and;
- 6.3 25% - high level of objectivity demonstrating a balance viewpoint.

7. Price (cost) evaluation for Best Value Selection

After evaluation of the qualitative merit criteria, the following price (cost) evaluation will be used to determine the best value of the offer in meeting the objectives of the solicitation.

The combined qualitative merit value will be considered substantially more important than the price (cost).

8. Additional Factors for Evaluation

In addition to the qualitative merit criteria and price (cost) evaluation above, each offer will be evaluated using the following evaluation factor(s) to determine the competitive range and final negotiation rank order. These factors are not weighted but add value to the proposal.

- 8.1 Demonstrated experience with creating guidance documents on studying wildlife species;
- 8.2 Experience or understanding of commercial wind power development projects and their affect on birds and other wildlife or their habitat;
- 8.3 Strong writing ability and strong organizational skills;
- 8.4 Demonstrated ability to produce on time and work within a budget and;
- 8.5 Access to library facilities/databases.

9. Evaluation process

NREL will evaluate offers in two general steps:

Step One—Initial Evaluation

An initial evaluation will be performed to determine if all required information has been provided for an acceptable offer. Offerors may be contacted only for clarification purposes during the initial evaluation. Offerors shall be notified if their offer is determined unacceptable and the reasons for rejection will be provided. Unacceptable offers will be excluded from further consideration.

Step Two—Discussion, Selection, Negotiation, and Award

All acceptable offers will be evaluated against the Statement of Work (Attachment 1) [OR] (see NREL website below) and the qualitative merit criteria listed above. Based on this evaluation, NREL has the option, depending on the specific circumstances of the offers received, to use one of the following methods of selection:

- (a) make individual selection(s), conduct negotiations, and make an award(s);
- (b) conduct parallel negotiations with all offerors and make award(s);
- (c) conduct discussions with all offerors, select successful finalists, conduct parallel negotiations with successful finalists, and then make award(s);
- (d) conduct discussions with all offerors, conduct parallel negotiations with the finalists, select successful finalist(s), and then make award(s);

- (e) select successful finalists, conduct successive negotiations, and make successive selections and awards;
- (f) make no award(s).

10. Proposal preparation information

- a. The proposal must include a title page, including the RFP title and number, name of your organization and principal investigator (with postal address, telephone and fax numbers, and email address). The title should be succinct and capture the essence of your offer.
- b. Formatting instructions
 - A page is defined as one side of an 8 ½" x 11" sheet of paper.
 - Use a 12-point font.
 - Maintain at least 1-inch margins on all sides.
 - Copies may be either single or double sided.
- c. A **technical proposal** in an original and 13 copies directed toward meeting the requirements of NREL's Statement of Work (Attachment 1) and qualitative merit criteria (see item 6 above). The proposal shall not exceed 10 pages (resumes and attachments not included in page count).
- d. A completed "**Price/Cost Proposal**" form in an original and 13 copies submitted with the offer (see NREL website below in item 12). An individual offeror's price/cost proposal standard format can be used if the data included is substantially the same as the NREL form. The offeror's price/cost and delivery terms must be valid for 90 days from the date of the offer. The price/cost proposal should include support documentation for all categories of the proposed price/cost. The price/cost proposal should separate price/cost for lower-tier subcontract(s) and include support documentation for all categories of the proposed lower-tier subcontract(s) price/cost. (see Price/Cost Proposal preparation instructions (NREL website below in item 12).
- e. A **proposed payment schedule** based on required deliverables.
- f. A completed "**Representations and Certifications**" form in an original and 13 copies (see NREL website below in item 12).
- g. EITHER the "**Organizational Conflicts of Interest Representation Statement**" OR the "**Organizational Conflicts of Interest Disclosure Statement**" form in an original and 13 copies (see NREL website below in item 12), as applicable.

- h. A cover letter including a **summary statement** indicating acceptance of the proposed Statement of Work or any change with the reason(s) in original and 13 copies (Attachment 1).
- i. A cover letter including a **summary of deviations/exceptions** (if any) to the subcontract schedule and the standard terms and conditions and/or the intellectual property terms and conditions in the appendices. The offeror will explain any exceptions (including deviations and conditional assumptions) taken with respect to the subcontract schedule and terms and conditions. Any exceptions must contain sufficient amplification and justification to permit evaluation. Such exceptions will not, of themselves, automatically cause an offer to be termed unacceptable. A large number of exceptions or one or more significant exceptions not providing any obvious benefit to the Department of Energy or NREL may, however, result in rejection of such offer as unacceptable. Submit in original and 13 copies.
- j. This solicitation does not allow the submittal of facsimile or electronic proposals.
- k. This solicitation does not commit NREL to pay costs incurred in the preparation and submission of a proposal in response to this RFP.

11. Solicitation Provisions—full text provided

a. Late submissions, modifications, and withdrawals of offers

Offers, or modifications to them, received from qualified organizations after the latest date specified for receipt may be considered if received prior to award, and NREL determines that there is a potential price (cost), technical, or other advantage, as compared to the other offers received. However, depending on the circumstances surrounding the late submission or modification, NREL may consider a late offer to be an indication of the offeror's performance capabilities, resulting in downgrading of the offer in the technical evaluation process. Offers may be withdrawn by written notice received at any time before award. Offers may be withdrawn in person by an offeror or an authorized representative, if the representative's identity is made known and the representative signs a receipt for the offer before award.

b. Restrictions on disclosure and use of data

Offerors who include in their proposals data that they do not want disclosed to the public for any purpose or used by the government or NREL, except for evaluation purposes shall—

1. Mark the title page with the following legend:
“This offer includes data that shall not be disclosed outside the government or NREL and shall not be used or disclosed—in

whole or in part—for any purpose other than to evaluate this offer. If, however, a subcontract is awarded to this offeror as a result of—or in connection with—the submission of this data, the government or NREL shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting subcontract. This restriction does not limit the government or NREL's right to use information contained in this data if obtained from another source without restriction. The data subject to this restriction are contained on pages [insert page and line numbers or other identification of pages] of this offer"; and

2. Mark each page of data it wishes to restrict with the following legend:
"Use or disclosure of data contained on this page is subject to the restriction on the title page of this offer."

c. Notice of right to receive patent waiver (derived from DEAR 952.227-84) and technical data requirements.

Offerors (and their prospective lower-tier subcontractors) in accordance with applicable statutes and Department of Energy Acquisition Regulations, (derived from DEAR 952.227-84) have the right to request a waiver of all or any part of the rights of the United States in inventions conceived or first actually reduced to practice in performance of the subcontract that may be awarded as a result of this solicitation, in advance of or within thirty (30) days after the effective date of subcontracting. Even where such advance waiver is not requested or the request is denied, the subcontractor will have a continuing right during the subcontract to request a waiver of the rights of the United States in identified, individual inventions.

Domestic small business firms, educational institutions, and domestic nonprofit organizations normally will receive the clause: Patent Rights - Retention by the Subcontractor, which permits the offeror to retain title to subject inventions, except in subcontracts involving exceptional circumstances or intelligence activities. Therefore, domestic small business firms, educational institutions, and domestic nonprofit organizations normally need not request a waiver.

If an offeror's proposal includes a lower-tier subcontract to another organization, that lower-tier organization's business type will determine the applicable intellectual property provisions that will apply to the lower-tier subcontract. Note that a lower-tier subcontractor may apply for a patent waiver under the same conditions as the offeror.

Under a research, development, and demonstration project, the Department of Energy and NREL are unable to ascertain, prior to receipt of offers or

performance of the project, their actual needs for technical data. It is believed that the requirements contained herein are the basic needs of the Department of Energy and NREL. However, if the offeror indicates in its proposal that proprietary data will be used or withheld under its proposed effort, the Department of Energy and NREL reserve the right to negotiate appropriate rights to the proprietary data. The appropriate rights may include "Limited Rights in Proprietary Data" and/or "Subcontractor Licensing."

d. Disclaimer

NEITHER THE UNITED STATES; NOR THE DEPARTMENT OF ENERGY; NOR MIDWEST RESEARCH INSTITUTE, NATIONAL RENEWABLE ENERGY LABORATORY DIVISION; NOR ANY OF THEIR CONTRACTORS, SUBCONTRACTORS, OR THEIR EMPLOYEES MAKE ANY WARRANTY, EXPRESS OR IMPLIED, OR ASSUME ANY LEGAL LIABILITY OR RESPONSIBILITY FOR THE ACCURACY, COMPLETENESS, OR USEFULNESS FOR ANY PURPOSE OF ANY OF THE TECHNICAL INFORMATION OR DATA ATTACHED OR OTHERWISE PROVIDED HEREIN AS REFERENCE MATERIAL.

e. Solicitation disputes

The General Accountability Office and the Department of Energy do not accept or rule on disputes for solicitations for Requests for Proposals issued by Management and Operating Contractors for the Department of Energy (operators of Department of Energy National Laboratories). Should an offeror have any concerns regarding the NREL solicitation process or selection determination, the offeror may contact Marty Noland, Advocate for Commercial Practices, at (303) 384-7550. NREL will address each concern received from an offeror on an individual basis.

12. Solicitation provisions—incorporated by reference—general access

This solicitation incorporates one or more solicitation provisions by reference with the same force and effect as if they were given in full text. The following documents can be downloaded from the NREL **general access** website at:

http://www.nrel.gov/business_opportunities/related_docs.html or the NREL RFP Contact (see item 2) will make full text available upon request.

- NREL Standard Terms and Conditions:
 - Appendix B-3 (10/01/03)
 - Appendix B-3 Addendum (10/01/07)
- NREL Intellectual Property Provisions:

- Appendix C-3 (10/22/98)
- NREL Representations and Certifications for Subcontracts (05/10/07)
- NREL Price/Cost Proposal Form and Instructions (07/18/02)
- NREL Conflicts of Interest Forms (09/15/05)

GENERAL RFP LANGUAGE CONTINUES HERE

13. NAICS Code and Small Business Size Standard

- a. The North American Industry Classification System (NAICS) for this solicitation is All Other Professional, Scientific and Technical Services (541990).
- b. The small business size standard for All Other Professional, Scientific and Technical Services is \$5,000,000 in annual receipts. (Annual receipts of a concern means the annual average gross revenue for the last three fiscal years.)